

REMARKS

Applicant would like to thank the Examiner for meeting with Applicant's attorney, Jennifer P. Yancy, on October 19, 2006. During the Examiner interview, the claims of the present application were discussed. Specifically, Applicant's attorney and the Examiner discussed whether the parent application 08/126,631, now U.S. Patent 5,518,399, was able to support the claims of the present application. The Examiner has asserted that the parent application does not support "bundles of fibers" such as "those used in the construction of fishing poles". The Examiner further asserted that it was his understanding that fishing poles are made from resin material including flecks or pieces of fiberglass within a cured resin. However, this interpretation of the term "reinforced plastics" is not specifically disclosed in the specification. Applicant's attorney submitted a U.S. Patent, 2,571,692, which shows a preferred embodiment of a reinforced plastic used to make "fishing poles". In this patent, a fishing rod is made using longitudinal strands of glass fiber in a synthetic resin. Specifically, this patent shows a number of glass strands 12, each being formed of several hundreds of unitary glass fibers 13, embedded in a synthetic resin 11. Since this patent was published in 1951, this patent was publicly available at the time the parent application was filed. Furthermore, one of ordinary skill in the art would be able to look at this patent when discerning what type of "reinforced plastics" the Applicant was intending for use in the present application.

Referencing the prior art rejections, claims 33, 35, 38, 42, 44-46, 50, 53-61, 64, 65, 70, 71, 74-82, 84, 85, 88, 89 and 91-100 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reynaud (U.S. Patent 5,328,372) in view of Alpert (5,564,929). Applicant submits that the Alpert reference is not prior art with respect to the presently claimed invention. Applicant asserts that the claims of the present application are supported by the parent application, which

was filed on September 27, 1993. Applicant asserts that the parent U.S. Patent 5,518,399 supports the claims of the present application for at least the following reasons:

1. The reinforced plastic material disclosed in the parent U.S. Patent 5,518,399 teaches the claimed invention.

The Examiner has taken the position that the Applicant's parent U.S. Patent 5,518,399 teaches "reinforced plastics such as fiberglass polyester composites similar to those used in the construction of fishing poles". The Examiner further asserts that "the terminology 'reinforced plastics' includes the fiberglass polyester composites used to make solid rods as fishing poles". The Examiner indicates that it is not clear to him how such a material would be used to make the bundle of fibers claimed in the present application. During the Examiner Interview of October 19, 2006, the Examiner indicated that fishing poles include flecks or pieces of fiberglass in a resinous material. The Examiner did not support this assertion with any teaching from the present application or any other document showing fishing poles. However, Applicant was able to offer U.S. Patent 2,571,692 as a teaching for making fishing rods from resinous binder reinforced with longitudinal fibers, particularly fibers of glass. Applicant submits that one of ordinary skill in the art would be able to look to U.S. Patent 2,571,692 and understand what the Applicant means by "reinforced plastics such as fiberglass polyester composites similar to those used in the construction of fishing poles". Specifically, FIG. 2 of the '692 patent shows that fishing rods may be made using a plurality of glass strands 12, each being formed from a plurality of unitary glass fibers 13. The glass strands 12 are embedded in a synthetic resinous material 11. Therefore, Applicant submits that it is known to make solid fishing rods using bundles of fibers embedded in a resinous material, also referred to as reinforced plastic. The parent U.S. Patent 5,518,399 refers to "a bundle of reinforced plastic or other fibers 101

cemented together” and the patent previously defines “reinforced plastic” to include “fiberglass polyester composites similar to those used in the construction of fishing poles”. Therefore, one of ordinary skill in the art would understand that the “bundle of reinforced plastic” is a fiberglass containing polymer composite “similar to those used in the construction of fishing poles”. Since fishing poles are known to have longitudinal glass strands formed from a plurality of unitary glass fibers which are further embedded in a synthetic resin, Applicant submits that the parent U.S. Patent 5,518,399 would teach one of ordinary skill in the art how to make and use the claimed invention. Since parent U.S. Patent 5,518,399 has a filing date prior to the Alpert reference, Applicant submits that the Alpert reference should be removed as prior art.

2. The parent patent 5,518,399 is only required to have enough of a description so that one of ordinary skill in the art would understand that Applicant possessed the invention at the time the application was filed.

The Examiner has asserted that the term “reinforced plastics” is only defined with reference to the material shown in FIG. 1-3. The Examiner further asserts that this term cannot be used to define “reinforced plastics” when describing FIG. 8. Applicant’s parent application discloses the use of a “post reinforcing rod 30” that is “preferably formed from reinforced plastics such as fiberglass polyester composites similar to those used in the construction of fishing poles” to make endodontic dental posts (see column 5, lines 53-54). Applicant submits that this statement is not limited to the posts embodied in FIG. 3. For Example, FIG. 8 shows mutable flexible post 100 and FIG. 9 shows a mutable post reinforcing rod 130 used as endodontic dental posts in accordance with the present invention. Specifically, FIG. 3 teaches a “post reinforcing rod 30” and FIG. 9 teaches a “mutable post reinforcing rod 130” used as an endodontic post. As taught in column 7, lines 33-37, the mutable post 100 and mutable post reinforcing rod 130 are

preferably formed from a “bundle of reinforced plastic or other fibers 101 cemented together”.

A person of skill in the art reading these statements would understand that all of the disclosed posts could be made from reinforced plastics such as fiberglass polyester composites. In order to claim priority to the parent application, the exact words are not required in the specification. The specification is only required to have enough of a description so that one of ordinary skill in the art would understand that the Applicant was in possession of the invention at the time the priority application was filed. It is well established that an Applicant is entitled to be his or her own lexicographer and that the meaning of a particular term may be defined by implication, that is, according to the usage of the term in context of the specification. Having disclosed at least once that reinforced plastics include such materials as “fiberglass polyester composites similar to those used in the construction of fishing poles”, the Applicant did not have to repeat this statement each time he used the term “reinforced plastics”. Therefore, as previously asserted, the claims of the present application are supported by parent U.S. Patent 5,518,399. Since parent U.S. Patent 5,518,399 has a filing date prior to the Alpert reference, Applicant submits that the Alpert reference should be removed as prior art.

For these reasons, Applicant submits that the rejection has been overcome and requests reconsideration and allowance of the claims.

Claims 34 and 90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynoud (U.S. Patent 5,328,372) in view of Alpert (5,564,929) as applied to the claims above, and further in view of Kwiatkowski (4,936,776). Since these claims are dependent claims that depend from allowable claims, Applicant submits that the rejection is overcome and requests reconsideration and allowance of the claims.

Claim 39 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Reynaud in view of Alpert as applied to the claims above, and further in view of Al Kasem (5,326,264). Since these claims are dependent claims that depend from allowable claims, Applicant submits that the rejection is overcome and requests reconsideration and allowance of the claims.

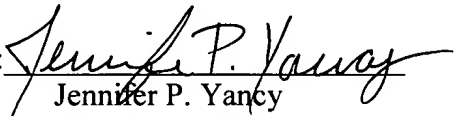
Claims 40 and 52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reynaud in view of Alpert as applied to the claims above, and further in view of Weissman (U.S. Patent 5,326,263). Since these claims are dependent claims that depend from allowable claims, Applicant submits that the rejection is overcome and requests reconsideration and allowance of the claims.

Claims 72 and 73 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reynaud in view of Alpert and Al Kasem as applied to the claim 39 above, and further in view of Fujisawa (U.S. Patent 4,931,096). Since these claims are dependent claims that depend from allowable claims, Applicant submits that the rejection is overcome and requests reconsideration and allowance of the claims.

Claims 83, 86 and 87 stand rejected under 35 U.S.C. 103(a) as being unpatentable over REynaud in view of Alpert as applied to the claims above, and further in view of Fujisawa (U.S. Patent 4,931,096). Since these claims are dependent claims that depend from allowable claims, Applicant submits that the rejection is overcome and requests reconsideration and allowance of the claims.

For the foregoing reasons, Applicant submits that the claims of the present application are in condition for allowance. Therefore, Applicant respectfully requests reconsideration and allowance of the application.

Respectfully submitted,

By: 
Jennifer P. Yancy
Reg. No. 47,003

JONES, TULLAR & COOPER, P.C.
P.O. Box 2266 Eads Station
Arlington, VA 22202
(703) 415-1500
Dated: 01 November 2006